REMARKS

The Office Action mailed June 14, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claim Objections

Claim 8 was objected for missing the term "appended." This term has been added as suggested.

Rejection(s) Under 35 U.S.C. § 103(a)

Claims 1 - 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tourrilhes in view of Bennett et al. (U.S. pat. no. 6,345,302).

In the PiggyData process of Tourrilhes, it is proposed to combine, or piggyback, MAC acknowledgements (MAC acks) with data in bidirectional traffic. Specifically, a receiving node which has both data and a MAC ack to send can do so by piggybacking the data to the MAC ack in a single transmission burst. This is similar to known piggyback acknowledgment, in which data and TCP acks are combined, but in reverse order (the TCP ack is piggybacked onto the transmitted data).

In the presently claimed invention, a TCP acknowledgement is appended to a MAC acknowledgment. This feature is not disclosed or suggested in Tourrilhes, and the assertion in the Office Action, that "since the MAC acknowledgement and the TCP acknowledgement are going in the same direction as the reverse flow of data both could be combined," is untenable. This feature also does not appear in Bennett et al., even if Bennett et al. were properly combinable with Tourrilhes.

Moreover, the order of the combined items in Tourrilhes should be noted, and in particular, the reason provided for employing this order should be understood. Tourrilhes stresses the importance of piggybacking the data to the MAC ack, explaining that the reverse—piggybacking the MAC ack to the data—is unworkable because of tight timing constraints. Tourrilhes emphasizes that the "MAC can't piggyback the MAC level ack in a later data packet" because "the MAC level ack needs to be sent precisely a SIFS period after the data packet." This is in direct contravention of any buffering scheme, for example the one recited in the Claims 1 and 9 of the instant application. In effect therefore Tourrilhes teaches a way from the presently claimed invention, and from any combination with teachings in Bennett et al. directed to a buffering scheme.
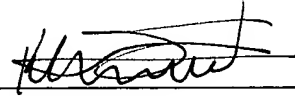
Conclusion

In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
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Dated: 9/14/05

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